

Ser. No. 10/605,534
Art Unit: 2816

11

Printed 1/21/2005

REMARKS

A restriction requirement and a provisional election of group 1, claims 1, 7-13, and 17-20 have been made. The specification, drawings, and claims were objected to. Claims 1, 7-13, and 17-20 were rejected under 35 USC § 112 as being indefinite. Under 35 USC §
5 103(a), claim 1 was rejected as obvious over Talaga, Jr. (US Pat. No. 5,942,921) in view of Kuo (US Pat. No. 6,661,713).

Claims 7-13 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base
10 claim and any intervening claims. Claims 17-20 would be allowable if rewritten or amended to overcome the rejections under 35 USC § 112, second paragraph.

The specification is being amended to correct some typographical errors found by the inventor and to overcome objections. Basis for the amended description of Fig. 7
15 sweeping from 0 to 10 volts, rather than 0 to 7 volts, is found in preceding paragraph [0039] and in Fig. 7. Thus no new matter is being added.

The limitations of original dependent claims 11, 12, and 13 are being copied into the specification at paragraph [0043]. Also, original paragraph [0035] noted that "voltage
20 generator 66 is independent of the supply voltage Vdd". Thus no new matter is being added and proper antecedent basis in the specification is being provided for the claims.

The drawings are being amended as requested by the Examiner in the attached replacement sheets. Original claim 13 provided basis in the original disclosure showing a
25 comparator powered by the supply voltage. Thus the edits to the drawings to show VDD applied to the comparator have basis in the original disclosure and are not new matter.

The claims are being amended to overcome objections and the 35 USC § 112, second paragraph, rejection. Coupling of the stable node to the first and second current sources is
30 being added in claim 1.

Ser. No. 10/605,534
Art Unit: 2816

12

Printed 1/21/2005

Restriction Requirement & Election

Applicant affirms his election for prosecution of group I, claims 1, 7-13, and 17-20.

- 5 Claims 1-6 and 14-14, group II, are withdrawn. Applicant does not traverse the restriction.

PRIOR ART REJECTION - 103

Under 35 USC § 103(a), claim 1 was rejected as obvious over Talaga, Jr. (US Pat. No. 5,942,921) in view of Kuo (US Pat. No. 6,661,713).

10

Claim 1 was rejected by modifying the circuit of Fig. 3 of Talaga so that +VCC was replaced by the band-gap voltage VBG of Kuo. Talaga's Fig. 3 shows "+VCC" applied to the drains of transistors 302, 306, and Col. 3 lines 4-6 and 16 make it clear that VCC is the "power supply".

15

Rejections are often made by replacing one voltage in one reference with another voltage from a second patent reference. However, the two voltages from the two references cannot be mutually exclusive of each other. In this case original claim 1 specifically recited:

- 20 a stable node having a stable voltage that is relatively insensitive to changes in a supply voltage

- 25 Since VCC is the (power) supply voltage, Talaga specifically teaches that his +VCC node is sensitive to changes in the supply voltage. Since VCC is the supply voltage, it must be sensitive to itself. Modifying Talaga's Fig. 3 +VCC node to a voltage such as VBG that is insensitive to VCC is thus taught away from. The express teaching of Talaga shows that the drains of his transistors 302, 306 are connected to a node that is +VCC. Certainly VCC is sensitive to itself. Thus amended claim 1's limitation of:

Ser. No. 10/605,534
Art Unit: 2816

13

Printed 1/21/2005

a stable node, coupled to the first current source and coupled to the second current source, the stable node having a stable voltage that is relatively insensitive to changes in a supply voltage;

5 is not met by the combination, since Talaga clearly teaches that the drains of his transistors 302, 306 are connected to +VCC, a node that is very sensitive to changes in supply voltage, which cannot at the same time be "relatively insensitive" to changes in the supply voltage.

10 Thus Talaga's Fig. 3 +VCC teaches away from claim 1 which recites a stable voltage that is relatively insensitive to changes in a supply voltage.

Should Examiner determine that generic claim 1 is allowable, Applicant would prefer to have dependent claims 2-6 remain withdrawn if claims 14-16 remain withdrawn. Claims
15 14-16 are not in a form dependent on claim 1 and thus would have to be prosecuted in the divisional application. This would allow all claims directed to the same non-elected invention (group II) to be considered in a divisional application together, claims 2-6 with claims 14-16.

20 In view of the above, it is submitted that claims 1, 7-13, and 17-20, as amended, are in a position for allowance. Applicant believes that a full and complete response to the office action has been made. Reconsideration and re-examination is respectfully requested. Allowance of the claims at an early date is solicited. If the Examiner believes that a telephone interview would expedite prosecution of this application, he is invited to
25 telephone the undersigned at (831) 476-5506.

Stuart T. Auvinen
429 26th Avenue
Santa Cruz, CA 95062

(831) 476-5506
(831) 477-0703 Fax

Respectfully Submitted,



Stuart T. Auvinen
Agent for Applicant
Reg. No. 36,435